



TOWN OF MAYNARD
Office of Municipal Services
MUNICIPAL BUILDING
195 Main Street
Maynard, MA 01754
Tel: 978-897-1302 Fax: 978-897-8489
www.townofmaynard-ma.gov



Planning Board Determination of Minor Site Plan Modification

To: Michelle Sokolowski, Town Clerk
From: Bill Nemser, Town Planner
Date: March 18, 2019
Subject: Maynard Crossing (129 Parker Street) Minor Modification to Site Plan

Background

At the Planning Board meeting of February 26, 2019, the developer of Maynard Crossing (129 Parker Street), Capital Group Properties, requested a minor modification to the approved site plan for the project.

The modification to the Maynard Crossing Site Plan proposes:

- 1) A driveway connection between 141 Parker Street to the proposed building R9/R10 parking lot (Attachment "A").
- 2) Lighting changes to the LeCesse development section apartment area (Attachment "B").

The subject property is located within the Neighborhood Overlay Zoning District (NBOD). The regulatory framework requires a project developed under the NBOD to have a Concept Plan and a Site Plan.

- The Concept Plan was approved by Town Meeting on October 6, 2016 and is dated June 28, 2016.
- The Site Plan was approved by the Planning Board on August 16, 2017 and is dated February 15, 2017 with a final revision date of August, 10, 2017.
- The original Site Plan and Special Permit Decision for the project was approved by the Planning Board on August 16, 2016. It was recorded at the Middlesex Registry of Deeds in Book 01466, Page 70, Certificate No. 258594.

Section 9.3 of the Zoning By-laws (NBOD) requires that the Site Plan must maintain consistency with the Concept Plan as approved by Town

I

Meeting. Section 9.3.12 of the Zoning Bylaws allows the Planning Board to make minor modifications to the approved Site Plan provided that the Planning Board determines, in its reasonable discretion and in writing that any such modifications do not materially conflict with the general intent of the Concept Plan as approved.

The Planning Board Regulations (Section G) state that a request deemed by the Planning Board to be a Minor Modification to a site plan can be made at a regularly posted meeting of the Planning Board.

The Planning Board determined by a 4-0 vote that the request for a lighting change to the LeCesse section development and a driveway connection between 141 Parker Street to the proposed building R9/R10 parking lot constitute a minor modification as defined by Section 9.3.12 of the Zoning By-laws and the Planning Board Regulations subject to the following conditions of approval:

1. The applicant shall provide an executed copy of the easement agreement that has been circulated between the Maynard Crossing (129 Parker Street) and 141 Parker Street property owners. This Agreement has been provided as Attachment "C". This Agreement in essence allows the 141 Parker Street Traffic to cross onto and traverse the 129 Parker Street property.
2. The driveway connection will be built as a two-way driveway with stop control. The driveway will be utilized as a one-way connection between 141 and Maynard Crossing at the time of installation. Appropriate signage will be installed to prohibit two way traffic use of this connecting road. At such a time that the Town of Maynard or the 129 Parker Street development requires the lengthening of the left turn lane on Parker Street turning into the Maynard Crossing project, and the pavement markings or physical infrastructure on Parker Street interfere with the 141 left and right turn access or egress from the 141 Parker Street site, the access will be converted to a two way and the appropriate signage and pavement markings will be added or modified. If/when modifications are proposed to be made to allow a two-way connection, the applicant shall furnish a reciprocal easement agreement executed by 141 Parker Street property owners, which allows 129 Parker Street traffic to cross onto the 141 Parker Street Property.
3. While the Town Engineer approves of the plan provided, as the driveway connection between the 129 and 141 Parker Street Properties does not affect Town owned property, it was noted that the Town of Maynard has cautioned the property owners of 141

Parker Street and Maynard Crossing that constructing this driveway connection wide enough for two way traffic, may introduce illegal cut through traffic from the 129 Parker Street Property (Maynard Crossing) through the 141 Parker Street Site.

4. Details shall be shown on the plan for the pedestrian connection between 141 and Maynard Crossing adjacent to the driveway.
5. Construction notes shall be added to the plans to indicate materials utilized.
6. All remaining conditions, provisions or other stipulations of the Decision dated August 16, 2016 shall remain in effect.

This section intentionally left blank

Signing for the Maynard Planning Board:



Greg Tuzzolo, Chairman February 26, 2019



Jim Coleman February 26, 2019




William Cranshaw February 26, 2019



Chris Arsenault February 26, 2019

Attachment "A"

Driveway Modification



BOHLER ENGINEERING

LAND DEVELOPMENT ENGINEERING
SURVEYING, DESIGN, PLANNING, CONSTRUCTION
MANAGEMENT SERVICES, TRANSPORTATION SERVICES

REV	DATE	DESCRIPTION	BY	CHK
1	01/15/10	CONCEPT PLAN	JAK	

PRELIMINARY

DESIGNED BY: JAK
CHECKED BY: JAK
DATE: 01/15/10
SCALE: AS SHOWN

SITE DEVELOPMENT PLANS FOR

CAPITAL GROUP

MAYNARD CROSSING

LOCATION OF SITE
MAYNARD CROSSING
1000 MAYNARD CROSSING
TOWN OF MAYNARD
MIDDLESEX COUNTY
MASSACHUSETTS

BOHLER ENGINEERING

1000 MAYNARD CROSSING
MAYNARD, MA 01901
Phone: 978-886-8888
Fax: 978-886-8889
www.bohler-engineering.com

J.A. KUCICH

Professional Engineer
No. 10001
State of Massachusetts

ACCESS EASEMENT ROADWAY AND DRIVEWAY PLAN

SHEET NUMBER **1** OF **1**

SCALE: 1"=20'

Attachment "A"



PAYMENT LEGEND

EXISTING ROADWAY
PROPOSED ROADWAY
PROPOSED DRIVEWAY



811

Know what's below.
Call before you dig.

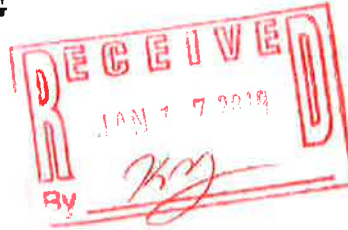
Attachment "B"

Lighting Modification



BOHLER
ENGINEERING

352 Turnpike Road
Southborough, MA 01772
PHONE 508.480.9900



Town of Maynard
Attn: Bill Nemser, Town Planner
195 Main Street
Maynard, MA 01754

January 11, 2019

Re: The Vue at Maynard Crossing – Lighting Design
129 Parker Street

Dear Mr. Nemser,

On behalf of LeCesse Development Corporation, please accept this submission to amend the street lighting fixtures which were originally approved by the Town as part of the Site Plan Review process. While the approved lights are very good for commercial applications, they are inconsistent with street lighting in residential communities. The attached submission includes the detail of the proposed light, which is commonly used in residential communities along with a photometric study which reflects that these lights will meet or exceed all local lighting requirements. The photometrics are consistent with the original approval and the light pole heights are sixteen (16) feet whereas the originally approved light pole heights were twenty-eight (28) feet tall. LeCesse Development has used these fixtures successfully in many communities and requests the Town's approval to use these same poles and fixtures for the residential project at Maynard Crossing.

We trust the enclosed information is sufficient for your continued review of the project. Should you have any questions or require additional information, please do not hesitate to contact me at (508) 480-9900. Thank you.

Sincerely,

BOHLER ENGINEERING

Nathaniel E. Mahonen, P.E.

John Kucich, P.E.

Cc: William Depietri – Capital Group Properties
Thomas Hayden – LeCesse Development Corporation

W171005

SOLID STATE AREA LIGHTING

LCGS SERIES-LED

S P E C I F I C A T I O N S

HOUSING

Durable corrosion resistant cast aluminum construction Top and Fitter. Traditional styling of the Housing features decorative accents and Flutes with open Struts.

✓LED* OPTICAL MODULE

Low copper A356 alloy (<.2% copper) cast aluminum housing. Integrated clear tempered 3/16" glass lens sealed with a continuous silicone gasket protects emitters (LED's) and emitter Reflector-Prism optics, and seals the module from water intrusion and environmental contaminants. LED's are available in standard Neutral White (4000K), or optional Cool White (5000K) or Warm White (3000K). Each emitter is optically controlled by a Reflector-Prism injection molded from H12 acrylic (3 types per module; one from 0° - 50°; one from 50° - 65°; one from 65° - 72°). Each Reflector-Prism has indexing pins for aiming and is secured to an optical plate made of matte black anodized aluminum. The optical plate locates every Reflector-Prism over an emitter. Reflector-Prisms are secured to the optical plate with a UV curing adhesive. The Reflector-Prisms are arrayed to produce IES Type II, III, IV, and V-SQ distributions. The entire Optical Module is field rotatable in 90° increments. Both module and drivers are factory wired using water resistant, insulated cord. Lens, module and drivers are field replaceable.

LED EMITTERS

High Output LED's are driven at 350mA for nominal 1 Watt output each. LED's are available in standard Neutral White (4000K), or optional Cool White (5000K) or Warm White (3000K). Consult Factory for other LED options.

LED DRIVER

UL and CUL recognized High Power Factor, Constant Current LED drivers operate on input voltages from 120-277VAC, 50/60hz. Consult Factory for 347-480VAC. Driver is mechanically fastened to a retaining bracket. Main power quick disconnect provided. Driver has a minimum 4KV of internal surge protection, 10KV & 20KV Surge Protector optional. Dimming and High-Low Driver options available.

FINISH

Electrostatically applied TGIC Polyester Powder Coat on substrate prepared with 20 PSI power wash at 140°F. Four step iron phosphate pretreatment for protection and paint adhesion. 400°F bake for maximum hardness and durability. Texture finish is standard.

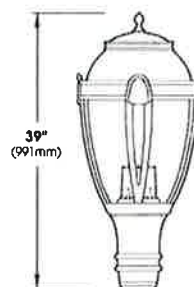
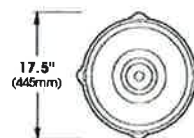
PROJECT NAME: _____

PROJECT TYPE: _____



LCGS

PATENT PENDING



2014216

Sun Valley Lighting

660 West Avenue O, Palmdale, CA 93551
Phone (661) 233-2000 Fax (661) 233-2001
www.usallg.com

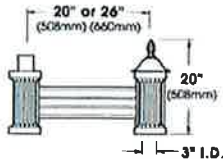
SUN VALLEY
LIGHTING

LCGS SERIES - VLED

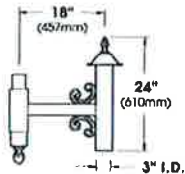
SPECIFICATIONS

MOUNTING STYLES

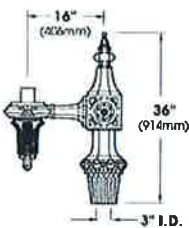
XAX



XAJ

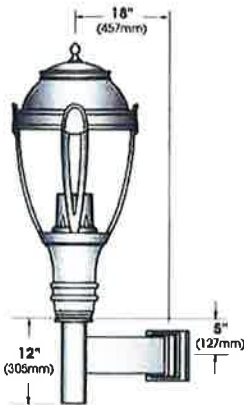


XAP



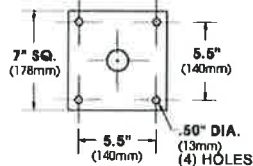
ARMS ARE HEAVY WALL EXTRUDED ALUMINUM CONSTRUCTION. FOR ADDITIONAL ARM OPTIONS SEE ARM SECTION.

WALL MOUNT



EXTRUDED ALUMINUM ARM BRACKET AND CAST ALUMINUM WALL BRACKET ASSEMBLY PROVIDED WITH BUILT IN GASKETED WIRE ACCESS FOR FIXTURE/SUPPLY WIRE CONNECTION.

WALL PLATE



VLED[™] MODULES



80 LED Module

LCGS-VLED E.P.A. = 2.00
Available in:
80, 64, & 48
LED Module

SPEC / ORDERING INFORMATION									
MODEL	OPTICS	# of LED's	DRIVE CURRENT	COLOR	VOLTAGE	MOUNTING	FINISH	OPTIONS	
MODEL	OPTICS	LED				MOUNTING	FINISH	OPTIONS	
<input type="checkbox"/> LCGS	<input checked="" type="checkbox"/> VLED[™] IES DISTRIBUTION TYPE	No. LEDs	DRIVE CURRENT	COLOR	VOLTAGE	ARM MOUNT	STANDARD TEXTURED FINISH	<input type="checkbox"/> INTERNAL HOUSE SIDE SHIELDS . HS <input type="checkbox"/> EXTERNAL HOUSE SIDE SHIELD . EHS <input type="checkbox"/> DIMMABLE DRIVER(S) (0-10V) DIM <input type="checkbox"/> HIGH-LOW DIMMING FOR HARDWIRED SWITCHING OR NON-INTEGRATED MOTION SENSOR HLSW <input type="checkbox"/> PHOTO CELL + VOLTAGE (EXAMPLE: PC120V) PC+V <input type="checkbox"/> 10KV SURGE PROTECTOR 10SP <input type="checkbox"/> 20KV SURGE PROTECTOR (277V & 480V Only) 20SP	
	<input type="checkbox"/> VLED - II (Type-II)	<input type="checkbox"/> 80LED	<input type="checkbox"/> 350mA	<input type="checkbox"/> NW (4000K)*	<input type="checkbox"/> 120	<input type="checkbox"/> 1	<input type="checkbox"/> BLACK RAL-9005-T		
	<input type="checkbox"/> VLED - III (Type-III)	<input type="checkbox"/> 64LED	<input type="checkbox"/> 525mA	<input type="checkbox"/> *STANDARD	<input type="checkbox"/> 208	<input type="checkbox"/> 2-180	<input type="checkbox"/> WHITE RAL-9003-T		
	<input type="checkbox"/> VLED - IV (Type-IV)	<input type="checkbox"/> 48LED		<input type="checkbox"/> CW (5000K)	<input type="checkbox"/> 240	<input type="checkbox"/> 2-90	<input type="checkbox"/> GREY RAL-7004-T		
	<input type="checkbox"/> VLED - VSQ (Type-VSQ)			<input type="checkbox"/> WW (3000K)	<input type="checkbox"/> 277	<input type="checkbox"/> 3-90	<input type="checkbox"/> DARK BRONZE RAL-8019-T		
				OTHER LED COLORS AVAILABLE CONSULT FACTORY	<input type="checkbox"/> 347	<input type="checkbox"/> 3-120	<input type="checkbox"/> GREEN RAL-6005-T	FOR SMOOTH FINISH REMOVE SUFFIX "T" (EXAMPLE: RAL-9500) SEE USALTG.COM FOR ADDITIONAL COLORS	
					<input type="checkbox"/> 480	<input type="checkbox"/> 4-90			
						WALL MOUNT			
						<input type="checkbox"/> WM		SEE SUN VALLEY CATALOG FOR ADDITIONAL ARMS	
						POST TOP			
						<input type="checkbox"/> PT			

SOLID STATE AREA LIGHTING

LCGS SERIES-LED

SPECIFICATIONS

LUMINAIRE

One piece high impact polycarbonate patterned diffusing globe provided with durable corrosion resistant cast aluminum fitter, struts, and top. Top is hinged for access. Standard fitter has 3" I.D. opening for tenon. All hardware is stainless steel.

LED POWER ARRAY™

Three-dimensional array of individual LED Tubes fastened to a retaining plate. Each LED Tube consists of circuit board populated with a multiple of LED's and is mechanically fastened to a radial aluminum heat sink. An acrylic Lens and end cap protects the LED Tube's internal components.

ANGLED POWER ARRAY™: Micro-Reflectors mounted around each LED control the raw light output. LED Tubes are uniquely aimed horizontally and vertically and combined to produce highly efficient IES Distribution Types II, III, IV and V. Used in conjunction with a clear patterned diffusing lens.

VERTICAL POWER ARRAY™ WITH GLASS REFRACTOR:

LED Tubes are aligned vertically and arranged radially to produce an even raw light distribution that simulates standard light sources. Array is secured within a 6" Prismatic Glass Refractor which provides the optical control. Used in conjunction with a clear patterned diffusing lens.

VERTICAL POWER ARRAY™: LED Tubes are aligned vertically and arranged radially to produce an even raw light distribution that simulates standard light sources. Produces a minimal glare, symmetric diffuse light distribution. Used in conjunction with an opal patterned diffusing lens.

LED EMITTERS

High Output LED's are driven at 350mA for nominal 1 Watt output each. LED's are available in standard Neutral White (4000K), or optional Cool White (5000K) or Warm White (3000K). Consult Factory for other LED options.

LED DRIVER

UL and CUL recognized High Power Factor, Constant Current LED drivers operate on input voltages from 120-277VAC, 50/60hz. Consult Factory for 347-480VAC. Driver is mechanically fastened to a retaining bracket. Main power quick disconnect provided. Driver has a minimum 4KV of internal surge protection, 10KV & 20KV Surge Protector optional. Dimming and High-Low Driver options available.

FINISH

Polyester powder coat incorporates four step iron phosphate process to pretreat metal surface for maximum adhesion. Top coat is baked at 400°F for maximum hardness and exterior durability.

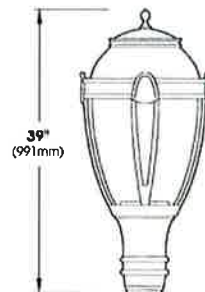
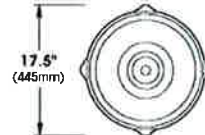
PROJECT NAME: _____

PROJECT TYPE: _____



LCGS-LED

PATENT PENDING



2013141

LCGS SERIES - LED

SPECIFICATIONS

OPTIONS

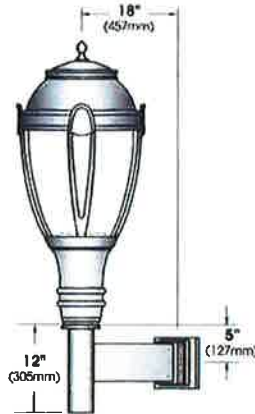
STANDARD:
SOLID TOP

OPTION:
CLEAR ACRYLIC TOP
(FOR UPLIGHT)



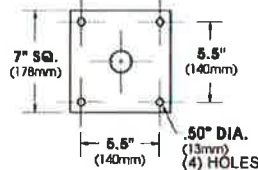
LT

WALL MOUNT



EXTRUDED ALUMINUM ARM BRACKET AND
CAST ALUMINUM WALL BRACKET
ASSEMBLY PROVIDED WITH BUILT IN
GASKETED WIRE ACCESS FOR
FIXTURE/SUPPLY WIRE CONNECTION.

WALL PLATE



LED POWER ARRAY™ MODULES



LCGS-LED E.P.A. = 2.00

ANGLED ARRAY

Available in:
10 Array 80 LED Max.

GLASS REFRACTOR w/ VERTICAL ARRAY

Available in:
6 Array 36 LED Max.

VERTICAL ARRAY

Available in:
6 Array 48 LED Max.
8 Array 64 LED Max.
10 Array 80 LED Max.



APA - Angled Array
Base mount



GRV - Glass Refractor
w/ Vertical Array
Base mount





















VPA - Vertical Array
Base mount

(Specifications subject to
change without prior notice.)

PATENT PENDING

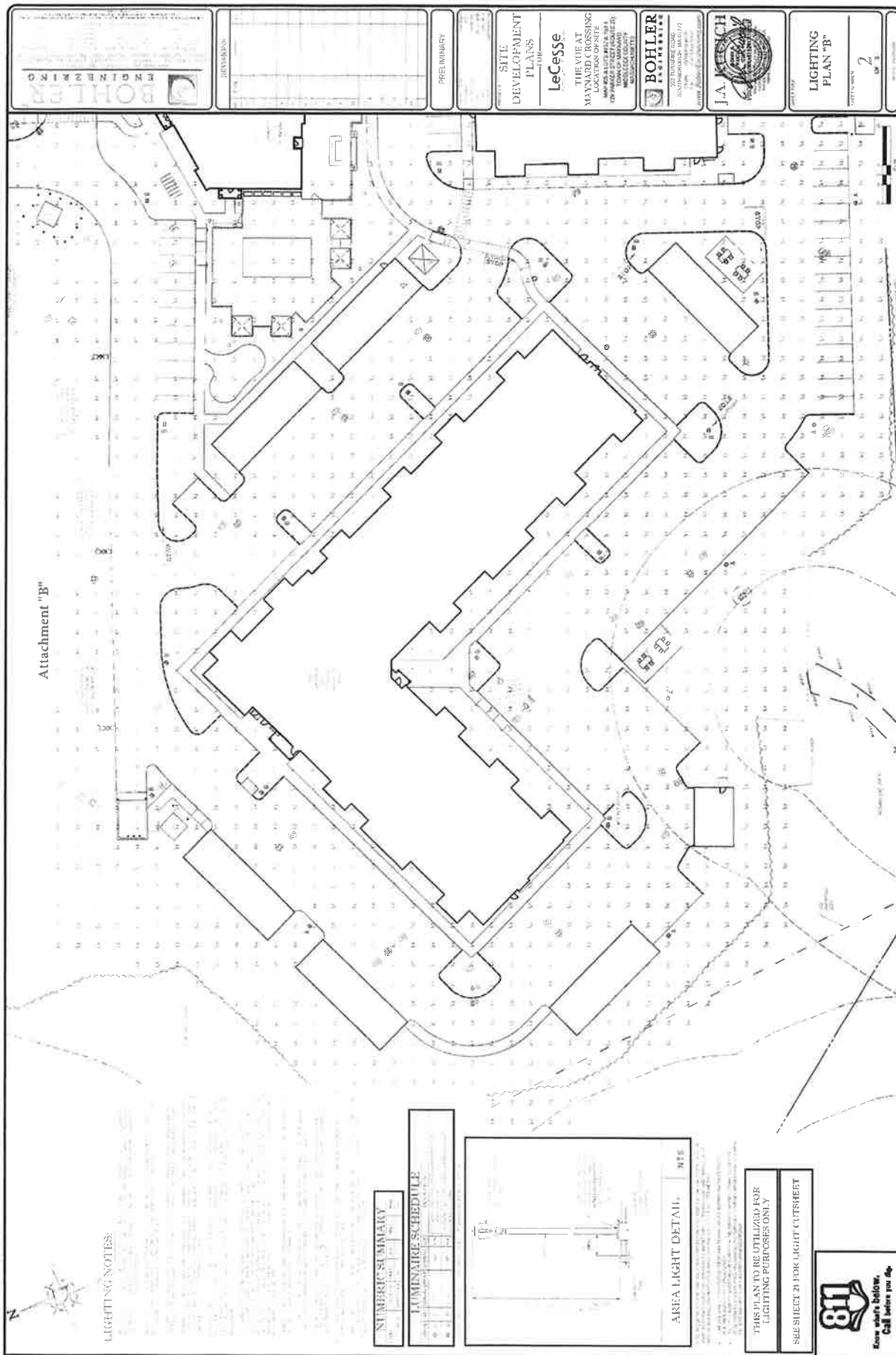
ORDERING INFORMATION

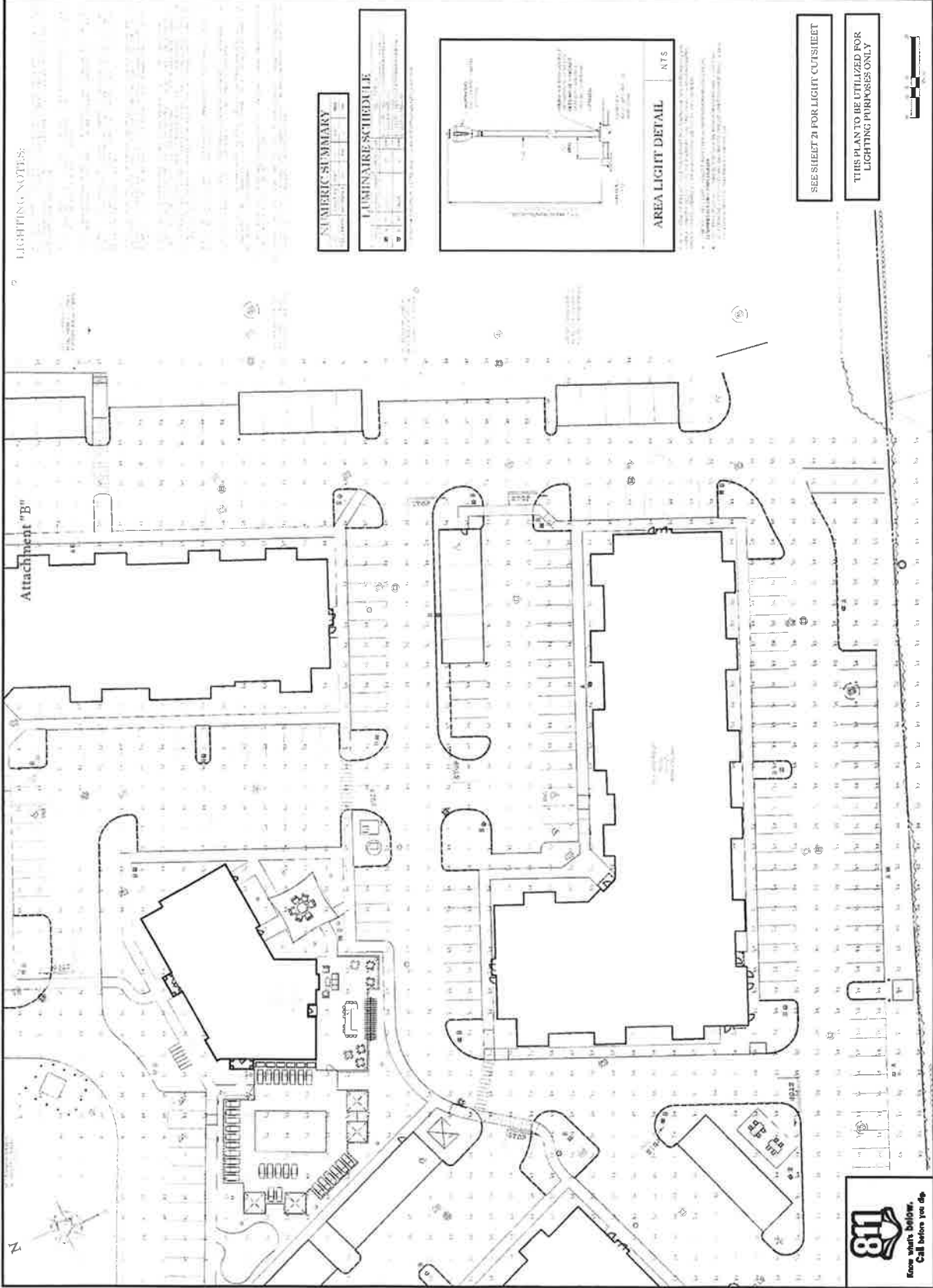
LUMINAIRE-FITTER	OPTICS	# of LED's	COLOR	VOLTAGE	MOUNTING	FINISH	OPTIONS
LUMINAIRE	OPTICS	LED		MOUNTING		FINISH	OPTIONS
LUMINAIRE-FITTER	ANGLED POWER ARRAY (CLEAR PATTERNED LENS)	No. LEDs	COLOR	VOLTAGE	ARM MOUNT	STANDARD TEXTURED FINISH	LENS OPTIONS:
<input type="checkbox"/> LCGS-LED	<input type="checkbox"/> APA - II  <input type="checkbox"/> APA - III  <input type="checkbox"/> APA - IV  <input type="checkbox"/> APA - V 	<input type="checkbox"/> 80LED (89 Watts) <input type="checkbox"/> 60LED (67 Watts) <input type="checkbox"/> 40LED (45 Watts) Wattages are Max Input Watts	<input type="checkbox"/> NW (4000K)* * STANDARD <input type="checkbox"/> CW (5000K) <input type="checkbox"/> WW (3000K) OTHER LED COLORS AVAILABLE CONSULT FACTORY	<input type="checkbox"/> 120 <input type="checkbox"/> 208 <input type="checkbox"/> 240 <input type="checkbox"/> 277 <input type="checkbox"/> 347 <input type="checkbox"/> 480	<input type="checkbox"/> 1-...  <input type="checkbox"/> 2-180  <input type="checkbox"/> 2-90  <input type="checkbox"/> 3-90  <input type="checkbox"/> 3-120  <input type="checkbox"/> 4-90 	<input type="checkbox"/> BLACK RAL-9005-T <input type="checkbox"/> WHITE RAL-9003-T <input type="checkbox"/> GREY RAL-7004-T <input type="checkbox"/> DARK BRONZE RAL-8019-T <input type="checkbox"/> GREEN RAL-6005-T	<input type="checkbox"/> CLEAR PATTERNED POLYCARBONATE (STANDARD GLOBE) CP <input type="checkbox"/> OPAL PATTERNED POLYCARBONATE WP <input type="checkbox"/> CLEAR ACRYLIC TOP (FOR UPLIGHT) (STANDARD SOLID TOP) LT
	GLASS REFRACTOR (CLEAR PATTERNED LENS) <input type="checkbox"/> GRV - III  <input type="checkbox"/> GRV - V 	<input type="checkbox"/> 36LED (41 Watts) Wattages are Max Input Watts			<input type="checkbox"/> 3-90  <input type="checkbox"/> 3-120  <input type="checkbox"/> 4-90 	<input type="checkbox"/> DARK BRONZE RAL-8019-T <input type="checkbox"/> GREEN RAL-6005-T	<input type="checkbox"/> HOUSE SIDE SHIELD... HS <input type="checkbox"/> DIMMABLE DRIVER(S) (0-10V)... DIM <input type="checkbox"/> HIGH/LOW DIMMING FOR HARDWIRED SWITCHING OR NON-INTEGRATED MOTION SENSOR... HLSW
	VERTICAL POWER ARRAY (OPAL LENS) <input type="checkbox"/> VPA - SYM 	<input type="checkbox"/> 80LED (89 Watts) <input type="checkbox"/> 64LED (72 Watts) <input type="checkbox"/> 48LED (53 Watts) Wattages are Max Input Watts			WALL MOUNT <input type="checkbox"/> WM  POST TOP <input type="checkbox"/> PT 	FOR SMOOTH FINISH REMOVE SUFFIX "T" (EXAMPLE: RAL-9500) SEE USALTG.COM FOR ADDITIONAL COLORS	<input type="checkbox"/> PHOTO CELL + VOLTAGE (EXAMPLE: PC120V)... PC-V <input type="checkbox"/> 10KV SURGE PROTECTOR... 10SP <input type="checkbox"/> 20KV SURGE PROTECTOR (277V & 480V Only)... 20SP

Sun Valley Lighting

660 West Avenue O, Palmdale, CA 93551
Phone (661) 233-2000 Fax (661) 233-2001
www.usalgtg.com

SUN VALLEY
LIGHTING





LIGHTING NOTES:

Attachment "B"

N

BOHLER ENGINEERING
 1000 ROUTE 100, SUITE 100
 WESTPORT, MA 01886
 TEL: 978-335-1100
 FAX: 978-335-1101
 WWW.BOHLENGINEERING.COM

PROVISIONS

PRELIMINARY

SITE DEVELOPMENT PLANS

LeCesse
 1000 ROUTE 100, SUITE 100
 WESTPORT, MA 01886
 TEL: 978-335-1100
 FAX: 978-335-1101
 WWW.BOHLENGINEERING.COM

BOHLER ENGINEERING
 1000 ROUTE 100, SUITE 100
 WESTPORT, MA 01886
 TEL: 978-335-1100
 FAX: 978-335-1101
 WWW.BOHLENGINEERING.COM

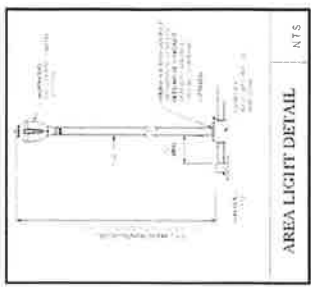
J.A. LEITCH
 1000 ROUTE 100, SUITE 100
 WESTPORT, MA 01886
 TEL: 978-335-1100
 FAX: 978-335-1101
 WWW.BOHLENGINEERING.COM

LIGHTING PLAN "C"

3

NUMERIC SUMMARY

LUMINAIRE SCHEDULE



SEE SHEET 21 FOR LIGHT CUTSHEET

THIS PLAN IS TO BE UTILIZED FOR LIGHTING PURPOSES ONLY



811
 Know what's Below.
 Call before you dig.

Attachment "C"
Executed Agreement between 141 and 129 Parker Street.

Return Document to:

Number of Pages: 6

Above for Registry use only

GRANT OF ACCESS EASEMENT

This ACCESS EASEMENT is executed and effective this 26 day of February, 2019 by and between the Grantor, Maynard Crossings JV, LLC, a Delaware limited liability company (the "Maynard Crossings") and the Grantee, Lexvest Parker, LLC, a Massachusetts limited liability company (the "Lexvest").

RECITALS

- A. Maynard Crossings is the owner of the land with the improvements thereon with frontage on Parker Street and located at 129 Parker Street, Maynard, Massachusetts by virtue of Quitclaim Deed dated December 16, 2014 and filed with the South Registry District of Middlesex County (the "Registry District") on January 23, 2015, as Document number 1690761, and noted on Certificate of Title No. 258594 in Registration Book 1466 Page 70, as affected by Order of the Land Court dated February 18, 2016, approving the voluntary withdrawal of land from the registration system recorded on November 22, 2017, with the Registry District in Book 70281, Page 498, which is legally described in **Exhibit A** attached hereto and incorporated herein by this reference (the "Maynard Crossings Property") and as further shown on that certain plan of land entitled "Approval Not Required Plan of Land, Maynard Crossings, JV" as recorded with the Registry District as Plan 57 of 2018 (the "Plan").
- B. Lexvest is the owner of land with building thereon with frontage on Parker Street, located at 141 Parker Street, Maynard, Massachusetts which land is situated adjacent to the Maynard Crossings Land (the "Lexvest Property"), by virtue of Quitclaim Deed dated February 5, 2013, filed with the Registry District on February 7, 2013 as Document Number 1631003 and noted on Certificate Number 253315.

Attachment "C"

- C. Maynard Crossings is developing a mixed-use complex on the Maynard Crossings Land (the "Project") pursuant to site plan approval and special permits granted by the Planning Board of the Town of Maynard and approvals from other municipal, state or federal authorities issued or to be issued with respect to the Project.
- D. In connection with the Project, Maynard Crossings has agreed to grant to Lexvest, for the benefit of the Lexvest Property, a perpetual, non-exclusive pedestrian and motor vehicle access easement over, across and upon the Access Easement Roadway (as hereinafter defined) to be constructed in conjunction with the Project.

GRANT OF ACCESS EASEMENT

In consideration of the facts recited above and in compliance with the Project, Maynard Crossings and Lexvest agree as follows:

1. Grant of Easement. Maynard Crossings hereby grants and conveys to Lexvest, for the benefit of the Lexvest Property and any successors in title, a non-exclusive and perpetual pedestrian, bicycle and motor vehicle easement (the "Access Easement") over, across and upon the roadway running from Parker Street across a portion of the roadway to be constructed upon the Maynard Crossings Land to the rear of the Lexvest Property (the "Access Easement Roadway and Driveway"), the first portion of which is presently designated as "Digital Way, for the use of the owners, tenants and invitees of the Lexvest Property for the purpose of *egress from* the Lexvest Property through the Access Easement Roadway and Driveway. In the event, at any time in the future, either (i) the left turn lane into the Maynard Crossings Property from Parker Street northbound is extended to the south, or (ii) any island or striping associated therewith prevents or interferes with access to or egress from the Lexvest Property to Parker Street northbound, this grant of easement, without any additional or further documentation, notice or recording, *shall allow for both the ingress to and egress from* and to the Lexvest Property onto the Access Roadway through the Access Driveway.

A copy of the plan depicting the Access Easement and Access Easement Roadway and Driveway is attached hereto as **Exhibit "B"** (the "Access Easement Roadway and Driveway Plan"). This Grant of Easement shall become effective only upon the recording of that certain Grant of Street and Way Easement by Lexvest to the Town of Maynard, Massachusetts, a copy of which is attached hereto as **Exhibit C**.

2. Use of Access Easement. The purpose of the Access Easement, as limited by Paragraph 1 above, is to provide year-round pedestrian, bicycle and motor vehicular access to and from the Lexvest Property by the owner of the Lexvest Property, its agents and any invitees, and for all uses for which roadways are typically used in the Town of Maynard, Massachusetts. Nothing in this Access Easement is intended to prohibit use of the Access Easement by Maynard Crossings, provided such use does not interfere with the use of the Access Easement by Lexvest as contemplated herein.

3. Rights in and Access to Signage. Maynard Crossings hereby grants and conveys to Lexvest, the right to access, install and use reasonable directional and/or wayfinding signage

Attachment "C"

at (i) the entrance of the portion of the Access Easement Roadway and Driveway where it intersects with Parker Street, (ii) in other locations along the Access Easement Roadway and Driveway, both where it intersects with collector roads and along these collector roads as well, in conspicuous locations reasonable determined by Maynard Crossings such that parties will be directed to or from Parker Street to or from the Lexvest Property, a portion of which signage area is depicted on the Access Easement Roadway and Driveway Plan attached hereto. Such rights shall include the right to be included on such directional and/or wayfinding signage installed by Maynard Crossings, at its sole cost and expense, for the benefit of its own tenants or invitees.

4. Improvements. Maynard Crossings shall be obligated to install or construct any and all improvements along the Access Easement Roadway and Driveway as required in strict compliance with the terms and conditions of the Project approvals as depicted on Exhibit "B" attached hereto.

5. Maintenance. Maynard Crossings shall be solely responsible for maintaining the Easement Property, and at a minimum to the extent necessary for the uses described in paragraph 2 of this Access Easement.

6. Damage to Easement Property. Maynard Crossings shall be responsible for any damage caused to the Easement Property, except damage caused by Lexvest or its invitees. Maynard Crossings or Lexvest, as the case may be, shall promptly make all needed repairs, restoring the Easement Property to its condition prior to the damage.

7. Obstructions to Use of the Easement Property. Neither Maynard Crossings, Lexvest, nor any person permitted to use the Easement Property under the terms of this Access Easement may utilize the Easement Property in a way that interferes with its use by any other person permitted to use the Easement Property. Any obstructions or impediments to the use of the Easement Property may be removed, without notice, by Maynard Crossings or Lexvest and the cost of such removal shall be borne by the party causing or responsible for such obstruction.

8. Enforcement of Agreement. Maynard Crossings and Lexvest shall have the right to legally enforce this Access Easement and the covenants, conditions and restrictions set forth herein, by whatever action or actions are legally available, including, without limitation, enjoining any violation or threatened violation hereof.

9. Amendments. This Access Easement may not be modified, amended or terminated except by execution and recording of a written instrument signed by both Maynard Crossings and Lexvest.

10. Successors. All of the terms, covenants, conditions, and obligations set forth in this Access Easement shall inure to the benefit of and bind Maynard Crossings and Lexvest, and their respective personal representatives, heirs, successors, transferees and assigns, and shall continue as a servitude running in perpetuity with Maynard Crossings Property and perpetual appurtenant right running with the Lexvest Property.

Attachment "C"

11. Severability. If any provision or specific application of this Access Easement is found to be invalid by a court of competent jurisdiction, the remaining provisions or specific applications of this Access Easement shall remain valid and binding.

12. Governing Law. This Access Easement shall be governed by and construed under the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, MAYNARD CROSSINGS JV, LLC
has agreed to and executed this Access Easement as of the date first written above.

MAYNARD CROSSINGS JV, LLC, a Delaware
limited liability company

By: 

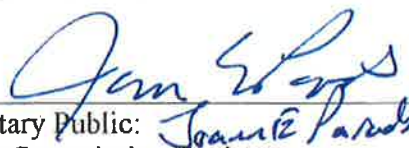
Name: William A. Depietri

Title: Manager

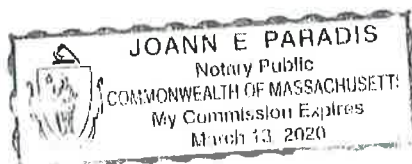
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 26 day of February, 2019, before me, the undersigned notary public, personally appeared William A. Depietri, proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as Manager of Maynard Crossings JV, LLC.


Notary Public: Joann E. Paradis

My Commission Expires: 3-13-20



Attachment "C"

EXHIBIT A

Legal Description of Maynard Crossings

[See attached copy.]

Attachment "C"

Exhibit B – Access Easement Roadway Plan

Exhibit "A" To Grant of Access Easement

RECORD
THIS
COPY

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

Pursuant to G. L. c. 185, § 52, as amended through Chapter 287 of the Acts of 2014, the voluntary withdrawal from the registration system of the land herein described is approved, subject to all registered rights outstanding as of the date hereof.


Justice Gordon H. Piper, Justice
Land Court

Dated: February 18, 2016



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Bk: 70281 Pg: 498 Doc: NOT
Page: 1 of 4 11/22/2017 03:15 PM

This approval is conditioned upon the recording of a Condominium Master Deed, in which the land described in Exhibit A attached hereto is contained, at the South Middlesex Registry of Deeds

Return
CATANZARO and ALLEN
Attorneys at Law
100 Waverly Street
Ashland, MA 01721

Exhibit "A" To Grant of Access Easement

LAND COURT
FILED

2016 JAN 29 PM 3:41

CASE NO. 16 SBQ 08795-01-001

**NOTICE OF VOLUNTARY WITHDRAWAL OF LAND FROM THE
REGISTRATION SYSTEM**

Case No. _____

The undersigned, being all of the owners of the fee simple estate in all of a parcel of land that has been registered under G. L. Chapter 185, hereby withdraw the land from the provisions of § 52 of that Chapter, as amended through Chapter 287 of the Acts of 2014.

The land withdrawn is described on Certificate of Title No. 218672, in Book 1223, at Page 122, issued from the Registry of Deeds for the South Registry District of the Middlesex County and is shown on Land Court Plan No. 8795-N, as follows:

x part of the land described in the certificate of title, namely: Lot 68

The land withdrawn is described on Certificate of Title No. 125681, in Book 758, at Page 131, issued from the Registry of Deeds for the South Registry District of the Middlesex County and is shown on Land Court Plan No. 8795-K, as follows:

x part of the land described in the certificate of title, namely: Lot 62

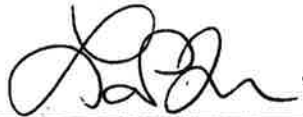
The street address (if any) of the land is: 129 Parker Street, Maynard, and Middlesex County, Massachusetts

The description of the land in the form contained in the certificates of title as described above is attached hereto as Exhibit A.

Signature(s) of Owner(s): (please sign name, then print it below)

MAYNARD CROSSINGS JV, LLC,
a Delaware limited liability company

By: LSREF2 CLOVER REO 2, LLC.,
Manager for Owner



Laura P. Sims,
Assistant Vice President for Manager

Exhibit "A" To Grant of Access Easement

STATE OF TEXAS

County of Dallas

Before me, the undersigned Notary Public, on this day personally appeared Laura P. Sims, as Assistant Vice President of LSREF2 CLOVER REO 2, LLC, as Manager of **MAYNARD CROSSINGS JV, LLC**, as aforesaid, [☒] known to me or [☐] proved to me on the oath of _____ or [☐] through _____ (description of identity card or other document), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 21st day of January, 2016.



Patrice A. Bradshaw
Notary Public
My Commission Expires:

Exhibit "A" To Grant of Access Easement

EXHIBIT A

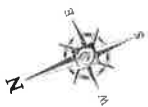
Parcel 1

**Lot 62 on Land Court Plan No. 8795K
Filed with Certificate of Title No. 125681**

Parcel 2

**Lot 68 on Land Court Plan No. 8795N
Filed with Certificate of Title No. 218672**

South Middlesex Registry District



118

**Know what's below.
Call before you dig.**

REV	DATE	DESCRIPTION	BY	CHKD
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PRELIMINARY

PROJECT NO. 0101100
 DRAWN BY CTD
 CHECKED BY NCB/MAE
 DATE 02/16/2019
 SCALE AS NOTED
 PLOT 1/3

**SITE
DEVELOPMENT
PLANS**
—FOR—
CAPITAL GROUP
 **MAYNARD CROSSING**
LOCATION OF SITE
MAP #2 & LOTS #32 & 32A
129 WALKER STREET (ROUTE 27)
TOWN OF MAYNARD
MIDDLESEX COUNTY
MASSACHUSETTS

BOHLER
ENGINEERING

322 TILLYNKE ROAD
SOUTH BRIDGE, MA 01772
Phone: (508) 461-5000
Fax: (508) 461-5465
www.BohlerEngineering.com

J.A. KUCICH

SHEET NO. **ACCESS**
**EASEMENT,
 ROADWAY AND
 DRIVEWAY PLAN**
 SHEET NO. **1** OF **1**
 SHEET NO. **1** OF **1**

